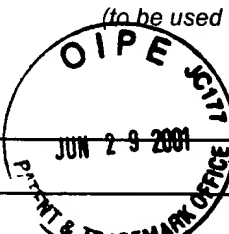



Box MISSING PARTS
Sector
Box 860 #

| | | |
|--|---------------------------------|---------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>  | Complete if Known | |
| | Application Number | 09/815,330 |
| | Filing Date | March 23, 2001 |
| | First Named Inventor | John A. ZAIA et al. |
| | Examiner Name | Unassigned |
| | Group Art Unit | 1646 |
| Total Number of Pages in This Submission | Attorney Docket Number 1954-333 | |
| ENCLOSURES (check all that apply) | | |

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input checked="" type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS:

| | | | |
|----------------------|---|--------------------------|---------|
| SUBMITTED BY | | Complete (if applicable) | |
| NAME AND REG. NUMBER | Martha Cassidy, Reg. No. 44,066 | | |
| SIGNATURE |  | DATE | 6/29/01 |
| | | DEPOSIT ACCOUNT USER ID | |

| | | | |
|---|------------|--------------------------|---------------------|
| FEE TRANSMITTAL for FY 2001 (Small Entity) | | <i>Complete if Known</i> | |
| | | Application Number | 09/815,330 |
| | | Filing Date | March 23, 2001 |
| | | First Named Inventor | John A. ZAIA et al. |
| | | Examiner Name | Unassigned |
| | | Group Art Unit | 1646 |
| Total Amount of Payment | (\$753.00) | Attorney Docket Number | 1954-333 |

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:
☒ Check
☐ Credit Card

FEE CALCULATION
1. FILING FEE

| Fee Code | Fee \$ | Fee Description | Fee Paid |
|----------|--------|------------------------|----------|
| 201 | 355 | Utility filing fee | [355.00] |
| 206 | 160 | Design Filing Fee | [] |
| 207 | 245 | Plant Filing Fee | [] |
| 208 | 355 | Reissue Filing Fee | [] |
| 214 | 75 | Provisional Filing Fee | [] |

SUBTOTAL \$355.00

CLAIMS

| Total Claims | Independent Claims | Multiple Dependent Claims | Extra Claims | Fee | Fee Paid |
|--------------|--------------------|---------------------------|--------------|--------|----------|
| [42] | - 20** = [22] | x | | \$ 9 = | [198.00] |
| [2] | - 3** = [] | x | | 40 = | [0.00] |
| | | + | | 135 = | [135.00] |

**or number previously paid, if greater;


SUBTOTAL \$333.00

FEE CALCULATION (continued)
3. ADDITIONAL FEES

| Fee Code | Fee Paid | Fee Description | Fee Paid |
|----------|----------|--|----------|
| 205 | 65 | Surcharge - late filing fee or oath | [65.00] |
| 227 | 25 | Surcharge - late provisional filing fee or cover sheet | [] |
| 139 | 130 | Non-English specification | [] |
| 147 | 2,520 | For filing a request for reexamination | [] |
| 112 | 920 | Requesting publication of SIR prior to Examiner action | [] |
| 113 | 1,840* | Requesting publication of SIR after Examiner action | [] |
| 215 | 55 | Extension for reply within first month | [] |
| 216 | 195 | Extension for reply within second month | [] |
| 217 | 445 | Extension for reply within third month | [] |
| 218 | 695 | Extension for reply within fourth month | [] |
| 228 | 945 | Extension for reply within fifth month | [] |
| 219 | 155 | Notice of Appeal | [] |
| 220 | 155 | Filing a brief in support of an appeal | [] |
| 221 | 135 | Request for Oral Hearing | [] |
| 138 | 1,510 | Petition to institute a public use proceeding | [] |
| 240 | 55 | Petition to revive -unavoidable | [] |
| 241 | 640 | Petition to revive - unintentional | [] |
| 242 | 620 | Utility issue fee (or reissue) | [] |
| 243 | 220 | Design issue fee | [] |
| 244 | 300 | Plant issue fee | [] |
| 122 | 130 | Petitions to the Commissioner | [] |
| 123 | 50 | Processing fee under 37 CFR 1.17(q) | [] |
| 126 | 180 | Submission of Information Disclosure Statement | [] |
| 581 | 40 | Recording each patent assignment per property (times number of properties) | [] |
| 246 | 355 | Filing a submission after final rejection (37 CFR .129(a)) | [] |
| 249 | 355 | For each additional invention to be examined (37 CFR 1.129(b)) | [] |
| 279 | 355 | Request for Continued Examination (RCE) | [] |
| 169 | 900 | Request for expedited examination of a design application | [] |
| 195 | 300 | Publication fee for early, voluntary, or normal publication | [] |
| 196 | 300 | Publication fee for republication | [] |
| 089 | 200 | Filing an application for patent term adjustment | [] |
| 090 | 400 | Request for reinstatement of term reduced | [] |
| | | Other fee (specify) | [] |

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$65.00

| | | | |
|----------------------|---|--------------------------|---------|
| SUBMITTED BY | | Complete (if applicable) | |
| NAME AND REG. NUMBER | Martha Cassidy, Reg. No. 44,066 | | |
| SIGNATURE |  | DATE | 6/29/01 |
| | | DEPOSIT ACCOUNT USER ID | |



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

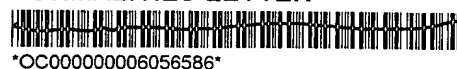
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/815,330 | 03/23/2001 | John A. Zaia | 1954-333 |

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
555 13TH STREET, N.W.
SUITE 701, EAST TOWER
WASHINGTON, DC 20004

CONFIRMATION NO. 4689

FORMALITIES LETTER



OC00000006056586

Date Mailed: 05/09/2001



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- o Total additional claim fee(s) for this application is \$333.
 - \$198 for 22 total claims over 20.
 - \$135 for multiple dependent claim surcharge.
- o The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- o The balance due by applicant is \$ 753.
- o This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821

355.00 EP
198.00 EP
135.00 EP
65.00 EP

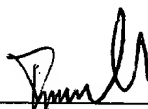
10/3/2001 17:00:00 09/815,330 1954-333

(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**


*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

| | | |
|--|------------------------|---------------------|
| <p style="text-align: center;">IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p>  | Application Number | 09/815,330 |
| | Filing Date | 3/23/2001 |
| | First Named Inventor | John A. ZAIA et al. |
| | Group Art Unit | 1646 |
| | Examiner Name | Unassigned |
| | Attorney Docket Number | 1954-333 |
| <p><i>Title of the Invention: PROTEIN KINASE DEFICIENT, IMMUNOLOGICALLY ACTIVE CMVpp65 MUTANTS</i></p> | | |

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts (Nonprovisional) mailed May 9, 2001, response copy attached, Applicants are submitting herewith a Declaration and Power of Attorney, an Assignment and Recordation of Assignment form, and a check in the amount of \$753.00 as required by the Notice. In addition, a computer diskette containing an initial sequence listing in computer readable form with a paper copy are herewith submitted. Please enter this sequence listing into the application. It is hereby certified that the sequences contained in this sequence listing are supported by the application as filed and contain no new matter. The information in computer readable form is the same as the written sequence listing.

Serial No.: 09/815,330

An information disclosure statement, with references, also accompanies this response, under separate cover.

Applicants believes that no extension of time fees are due. If any fees are deemed necessary by the Office, please charge any such fees or credit any overpayment to deposit account number 02.2135. An additional copy of this letter is enclosed for that purpose.

Respectfully submitted

By: 

Martha Cassidy
Attorney for Applicant
Registration No. 44,066
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 701-E, 555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 783-6040

Date: 6/29/01

Enclosures: Sequence Listing
 Diskette
 Declaration Power of Attorney
 Assignment Cover Sheet and Assignment Document

1954-333.NMP